IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WP(C).No. 7605 of 2005(E)

CMA 19/03 OF THE SUB COURT, PAYYANNUR
I.A.1281/02 IN O.S.NO.335/02 OF THE MUNSIFF COURT, TALIPARAMBA.

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PETITIONER:

SISTER ANICE JOSEPH,
SISTER GENERAL, SISTERS OF CHARITY OF ST.JOHN OF GOD, KATTAPPANA, IDUKKI DISTRICT, REPRESENTED BY ITS KOCHAMKUNNEL, IDUKKI DISTRICT.

BY ADV. SRI.PROMY KAPRAKKATT
SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH

RESPONDENT:

PALLATHE VEETTIL GOPINATHAN NAIR,
S/O. MADHAVAN NAIR, AGRICULTURIST, AGED 51 YEARS,
PADAPPENGAD, KOOVERI AMSOM, DESOM, KANNUR.

BY ADV. SRI.B.PREMNATH (E)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX(WPC 7605/05)

PETITIONER'S EXTS.:

EXT.P1: TRUE COPY OF THE DOCUMENT NO.1557/02 DT. 17.6.2002.

EXT.P2: TRUE COPY OF THE PLAINT DATED 15.7.2002.

EXT.P3: TRUE COPY OF THE COUNTER DATED 1.10.02.

EXT.P4: TRUE COPY OF REPORT OF THE COMMISSIONER DT. 1.10.02.

EXT.P5: TRUE COPY OF THE DOCUMENT DT. 9.7.2002.

EXT.P6: TRUE COPY OF THE PLAN DT. 14.6.2002.

EXT.P7: TRUE COPY OF THE ORDER DATED 8.4.2003.

EXT.P8: TRUE COPY OF THE ORDER IN CMA 19/03 DT. 9.11.2004

PIUS C. KURIAKOSE,J.

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W.P.(C) No.7605 of 2005

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Dated: 13th June, 2007

JUDGMENT

Having regard to the submissions made before me by Mr..Promy Kaprakat, counsel for the petitioner and Mr.B.Premnath, counsel for the respondent, I am of the view that there is no warrant for interfering with the order of the learned Munsiff and the judgment of the learned Subordinate Judge which are impugned in this case. However, the Writ Petition will stand disposed of directing the trial court to expedite the trial of the suit and dispose of the suit uninfluenced by the findings and the observations in Ext.P7 order and Ext.P8 judgment. Those observations will be treated as provisional. Decision will be taken on the basis of the evidence that comes on record at trial. While admitting the Writ Petition, though this court stayed Ext.P8 judgment it was clarified that neither of the parties are entitled to disbrub the status quo which had been obtained as on 7.3.2005. It is made clear that till such time as the suit is disposed of both the parties will be bound to maintain the status quo as obtaining on 7.3.2005.

srd **PIUS C.KURIAKOSE, JUDGE**